

Federal Communications Commission OCT - 8 1993

WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matters of EX PARTE OR LATE FILED)

Amendment of the Commission's Rules to)
Establish Rules and Policies Pertaining)
to the Mobile-Satellite Service and)
Radiodetermination Satellite Service)
in the 1610-1626.5 MHz and)
2483.5-2500 MHz Bands.)

CC Docket No. 92-166

DOCKET FILE COPY ORIGINAL

Amendment of Section 2.106 of the)
Commission's Rules to Allocate the)
1610-1626.5 MHz and the 2483.5-2500 MHz)
Bands for use by the Mobile-Satellite)
Service, Including Non-Geostationary)
Satellites)

ET Docket No. 92-28

To: The Commission

**MOTION OF
CONSTELLATION COMMUNICATIONS, INC.,
ELLIPSAT CORPORATION,
AND TRW INC.
FOR LEAVE TO FILE EXTRAORDINARY PLEADING**

Constellation Communications, Inc., Ellipsat Corporation and TRW, Inc. (together "the Joint Parties"), by their respective attorneys and pursuant to Section 1.405(c) of the Commission's Rules, hereby request the leave of the Commission to file an extraordinary, post-reply pleading. A copy of the pleading in question -- the "Joint Spectrum Sharing Proposal of Constellation Communications, Inc., Ellipsat Corporation, and TRW Inc." -- is attached hereto, and the

original is being filed contemporaneously herewith. In their pleading, the Joint Parties propose an equitable spectrum sharing approach for implementation in the 1610-1626.5 MHz and 2483.5-2500 MHz bands.

The Joint Parties offer their sharing plan as a means to break the impasse in the above-captioned proceeding, in which applicants for authority to establish non-geostationary satellite systems that would operate in some or all of the MSS frequencies in the aforementioned bands have been unable to agree upon a manner in which they can share the 1610-1626.5 MHz band between them. The sharing plan proposed by the Joint Parties represents a new, equitable and pro-competitive approach, under which the five current non-geostationary MSS system applicants would be able to share the 1610-1626.5 MHz band. All current non-geostationary MSS system applicants would have the opportunity to establish systems under the Joint Parties' plan, and the marketplace itself would determine which approach or approaches are superior.

The current impasse is delaying the further development of non-geostationary MSS service in the United States. The Commission's acceptance and consideration of the Joint Parties' spectrum sharing proposal would serve the public interest by

helping to bring about the expeditious resolution of the participants' disagreements in an equitable fashion.

The Joint Parties therefore urge the Commission to grant their motion for leave to file their spectrum sharing proposal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Katharine B. Squalls, hereby certify that true and correct copies of the foregoing "Motion of Constellation Communications, Inc., Ellipsat Corporation and TRW Inc. for Leave to File Extraordinary Pleading" were sent by first-class postage prepaid mail this 8th day of October 1993 to the following:

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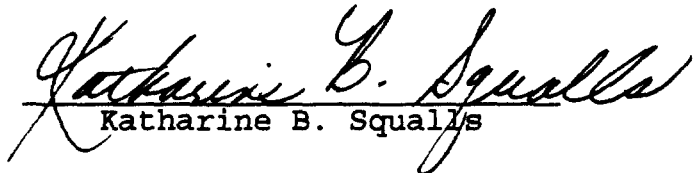
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